

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.6/2002

Friday this the 8th day of March, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

M.P.Varghese
(Retired O.B.Engine Driver)
Manappurath Nackanaril House
Kizhakkumbhagom P.O.
(Via) Niranam, Pathanamthitta Dist.
Kerala

...Applicant

(By advocate Mr. M.C.Cherian)

Versus

1. The Executive Engineer
Southern Rivers Division
Central Water Commission
Corporation Community Hall
Kamarajapuram, R.S.Puram P.O.
Coimbatore.
2. The Superintending Engineer
Central Water Commission
Cauvery & Southern Rivers Circle
No.621, Dr.Rajkumar Road
Bangalore.
3. The Chairman
Central Water Commission
Sewa Bhavan, R.K.Puram
New Delhi.
4. Union of India rep. by the
Secretary
Ministry of Water Resources
Government of India
New Delhi.

...Respondents

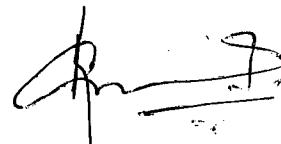
(By advocate Mrs.P.Vani, ACGSC)

The application having been heard on 8th March, 2002, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant while continuing as an O.B.Engine Driver in which post he was recruited/employed as per A-1 memorandum dated 25.6.73 retired from service with effect from 30.4.2000. According to the applicant, on 1.1.1990 he stagnated in the



recruitment scale (Rs.1150-1500) of O.B.Engine Driver and accordingly the stagnation increments were being given as on 1.1.92, 1.1.94 and 1.1.96 as per A-3 order dated 25.4.96. Applicant claimed that the Government of India issued a general order dated 13.9.91 evolving a scheme to give at least one promotion in the service career of such employees who stagnated in the recruitment grade without any promotion prospects in the normal course. The applicant further claimed that till his retirement, he was unaware of the orders regarding the benefit of in-situ promotion. He came to know that another O.B.Engine Driver by name N.C.Philip appointed in May 1973 had been given the benefit of in-situ promotion in scale of Rs.1200-1800 on the basis of order dated 7.1.2000 of this Tribunal in OA No.664/97 and accordingly he was given Rs.50,000 by way of arrears and his pensionary benefits were also fixed. Applicant filed A-7 representation which was forwarded by the first respondent to the second respondent by A-8 letter dated 10.3.2000. He filed another representation (A-9). The applicant sent A-11 lawyer's notice dated 14.11.2000. Applicant's lawyer received a reply (A-13) dated 20.12.2000 informing that the case regarding grant of in-situ promotion to the applicant was under consideration. He received a further communication (A-14) dated 10.10.2001 to the same effect. Aggrieved, he has approached this Tribunal seeking the following reliefs:

- (i) Direct the respondents to grant in-situ promotion to the applicant in the scale/grade not less than the scale/grade of Rs. 1200-1800 or any other appropriate grade/scale as deemed fit by this Hon'ble Tribunal within specified time limit.
- (ii) Direct the respondents to pay the benefits of in-situ promotion due, along with 18% interest with effect from the date on which it became payable till payment.

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(iii) Issue any other appropriate order or direction which this Tribunal may deem fit and proper under the circumstances of the case, including the cost incurred by the applicant in conducting the case.

2. Respondents filed reply statement stating that the 4th respondent in principle had agreed to the proposal for grant of in-situ promotion to the applicant and for which formal orders would be issued separately and hence the OA had become redundant.

3. Today, when the OA came up for hearing, the learned counsel for the respondents submitted a copy of letter sent by fax from the office of the 3rd respondent to the second respondent bearing No.A-32022/1/99-E.XII dated 6.3.02 by which the competent authority's approval had been conveyed for grant of in-situ promotion to the applicant in the scale of Rs. 1200-1800 (pre-revised) with effect from 1.4.91. It is also stated therein that under the ACP Scheme, the above in-situ promotion shall be counted as the first financial upgradation and the applicant would be eligible for the second financial upgradation in the scale of Rs.4500-7000 with effect from 9.8.99 or from the date he completes 24 years of continuous service, whichever is later.

4. Learned counsel for the applicant submitted that in the light of this development, the only surviving question was payment of interest sought for by the applicant under relief No.8 (ii). In support, learned counsel for the applicant drew our attention to A-5 order of this Tribunal in OA No.664/97.

5. After giving careful consideration to the submissions made by the learned counsel for the parties and the rival pleadings and perusing the documents, we are of the considered view that in the light of the letter issued by the respondents, nothing survives in this OA and the OA can be treated as redundant.

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6. At this stage, learned counsel for the applicant made a submission that the respondents may be directed to make consequential monetary payment due to the applicant within a time frame. As we consider this request as a reasonable one, we direct the respondents to make the monetary payments due to the applicant arising out the communication dated 6.3.02 within a period of three months from the date of receipt of a copy of this order.

7. The OA stands disposed of as above. No order as to costs.

Dated 8th March, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

APPENDIX

Applicant's Annexures:

1. A-1: True copy of Memorandum dated 25.6.1973 from Central Gauging Circle, Central Water & Power Commission, Govt. of India, Govt. of India, to applicant.
2. A-2: True copy of order No.18/89/PF/Admn.II/2218-24 dated 24.4.2000 of 1st respondent.
3. A-3: True copy of order No.17/2/PIC/Adm.IV/95/2154-58 dated 25.4.96 of the 1st respondent.
4. A-4: True copy of order No.M.R., O.M.F.No.10 (1)/E-III/88 dated 13.9.91 of Govt. of India.
5. A-5: True copy of order dated 7.1.2000 of Hon'ble Central Administrative Tribunal, Ernakulam in OA 664/1197.
6. A-6: True copy of order No.C&SRC/2/10/99-Adm.11/48/86 dated 25.2.2000 of 2nd respondent.
7. A-7: True copy of representation sent by Applicant to 2nd respondent.
8. A-8: True copy of covering letter dated 10.3.2000 from 1st respondent to 2nd respondent.
9. A-9: True copy of representation sent to 2nd respondent by applicant.
10. A-10: True copy of covering letter dated 15.4.2000 of 1st respondent to 2nd respondent.
11. A-11: True copy of Lawyer notice dated 14.11.2000 of Applicant's Counsel to respondent.
12. A-12: True copy of letter dated No.17/15/Adm.II/65283-85 dated 4.12.2000 of 1st respondent to applicant's counsel.
13. A-13: True copy of letter No.C & SRC-2/10 (1)/99-Adm.11/3511-13 dated 20.12.2000 of 2nd respondent to the applicant's counsel.
14. A-14: True copy of letter No.17/15/Adm.II/5813-14 dated 10.10.2001 of 1st respondent to applicant's counsel.

Respondents Annexure:

1. R-1: True copy of the letter No.C-18014/2/2002-Estt. XII/192-94 dated 1.3.2002 by R-3.

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14.3.02